

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, March 1, 2011, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Vice-Mayor Benjamin K. Mallicote  
Alderman Charles K. Marsh, Jr.  
Alderman Larry A. Munsey

Alderman Tom C. Parham  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Deputy Police Chief David Quillin.
- II.B. **INVOCATION:** By Gary Bement, Retired Pastor & Air Force Chaplain.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Valerie Joh.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips pointed out the attendance of several Dobyns-Bennett students.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Munsey/Parham, to approve minutes for the following meetings:

- A. February 14, 2011 Regular Work Session
- B. February 15, 2011 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

- 1. **Public Hearing for Annexation Annual Plan of Services Report** (AF: 46-2011). City Planner Forrest Koder gave a brief presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

- A. **PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

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**B. BUSINESS MATTERS REQUIRING FIRST READING. None.**

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of Ordinances to Annex/Amend Zoning of the  
Colonial Heights Area 3 Part A Annexation (AF: 23-2011).**

Motion/Second: Parham/Marsh, to pass.

**ORDINANCE NO. 6063**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 3 PART A ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Parham/Mallicote, to pass.

**ORDINANCE NO. 6064**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG CLAYMORE DRIVE, OAKMONT DRIVE, SIR ECHO DRIVE, MEADOW LANE, CORALWOOD DRIVE, AND CEDAR CREST DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the  
Colonial Heights Area 3 Part B Annexation (AF: 24-2011).**

Motion/Second: Parham/Marsh, to pass.

**ORDINANCE NO. 6065**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 3 PART B ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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Motion/Second: Parham/Marsh, to pass.

**ORDINANCE NO. 6066**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG GLADEMILL DRIVE, SPRINGBROOK DRIVE, CORALWOOD DRIVE, SIR ECHO DRIVE, CORY WAY, LOOKOUT DRIVE, AND KINGFISHER COURT TO R-1B, RESIDENTIAL DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**3. Consideration of Ordinances to Annex/Amend Zoning of the  
Colonial Heights Area 3 Part C Annexation (AF: 25-2011).**

Motion/Second: Parham/Marsh, to pass.

**ORDINANCE NO. 6067**, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, EMBRACING THAT CERTAIN PART OF THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE COLONIAL HEIGHTS AREA 3 PART C ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSFORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Parham/Shupe, to pass.

**ORDINANCE NO. 6068**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG KENDRICK CREEK ROAD, TIFFANY COURT, CORALWOOD DRIVE, CORALWOOD COURT, AND ADAIR COURT TO R-1B, RESIDENTIAL DISTRICT, AND R-3, LOW DENSITY APARTMENT DISTRICT IN THE 14<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**4. Consideration of Ordinances to Amend Zoning of a Portion of  
Parcel 1.00 and All of Parcels 2-5 in Tax Map 62-H Located on Memorial Boulevard  
from R-1B Zoning to B-3 Zoning (AF: 28-2011).**

Motion/Second: Parham/Shupe, to pass.

**ORDINANCE NO. 6069**, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY ADJACENT TO MEMORIAL BOULEVARD FROM R-1B, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-3,

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GENERAL BUSINESS DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Awarding the Bid for the South Eastman Road Area Waterline Replacement Project to Thomas Construction Company, Inc. and Authorize the Mayor to Sign All Applicable Documents (AF: 47-2011).**

Motion/Second: Munsey/Mallicote, to pass:

**Resolution No. 2011-180**, A RESOLUTION AWARDING THE BID FOR THE SOUTH EASTMAN ROAD AREA WATERLINE REPLACEMENT PROJECT TO THOMAS CONSTRUCTION COMPANY, INC. AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute an Interlocal Cooperation Agreement with the Emergency Communications District of the City (AF: 49-2011).**

Motion/Second: Mallicote/Shupe, to pass:

**Resolution No. 2011-181**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE EMERGENCY COMMUNICATIONS DISTRICT OF THE CITY OF KINGSPORT AND THE CITY OF KINGSPORT

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Execute an Annual Renewal of Public Library Maintenance of Effort Agreement and a Public Library Service Agreement with the Tennessee State Library and Archives for Services via Watauga Regional Library (AF: 48-2011).** City Manager Campbell noted this agreement needed to be in place in order to receive state money.

Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2011-182**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE OF EFFORT AGREEMENT AND A SERVICE AGREEMENT FOR THE LIBRARY WITH THE TENNESSEE STATE LIBRARY AND ARCHIVES TO RECEIVE FUNDING FOR BOOKS AND TRAINING AND FOR SERVICES THROUGH THE WATAUGA REGIONAL LIBRARY SYSTEM FOR FISCAL YEAR 2010/2011

Passed: All present voting "aye."

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**4. Consideration of a Resolution Approving the Purchase of Real Property and Authorizing the Mayor to Execute All Documents Necessary to Effectuate the Purchase from Scott and Lee Fish for Stormwater Control in the Reedy Creek Drainage Basin (AF: 51-2011).** City Manager Campbell explained that unfunded federal mandates require the City to maintain the quality of water in local streams. Properties and easements are being sought to get control of this issue in affected areas. Mr. Campbell noted this property owner was willing to sell to the City.

Motion/Second: Munsey/Marsh, to pass:

**Resolution No. 2011-183, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT FOR APPROXIMATELY 3.97 ACRES OF PROPERTY FROM SCOTT AND LEE FISH FOR STORMWATER CONTROL IN THE REEDY CREEK DRAINAGE BASIN AND ALL OTHERS DOCUMENTS NECESSARY AND PROPER TO FACILITATE THE SALE OF THE PROPERTY; AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT**

Passed: All present voting "aye."

**5. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Gary Alexander for Riverbend Phase I Development (AF: 55-2011).** City Manager Campbell stated the City is contractually in a position to reimburse the developer if they fulfill their obligations, which they did. Alderman Marsh commented that he would support what we were bound to; however, there was a need to discuss terminating this process in the future. Mayor Phillips noted the City Manager is working on that issue.

Motion/Second: Parham/Mallicote, to pass:

**Resolution No. 2011-184, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO GARY ALEXANDER FOR RIVERBEND PHASE I DEVELOPMENT**

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS. None.**

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: Munsey/Mallicote, to adopt:

**1. Consideration of an Ordinance to Appropriate the Funds for the Audio/Video Systems at the Meadowview Executive Conference Center (AF: 41-2011).**

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Adopt:

**Ordinance No. 6070**, AN ORDINANCE TO AMEND THE MEADOWVIEW CONFERENCE CENTER FUND BY TRANSFERRING FUNDS TO THE MEADOWVIEW PROJECT FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**2. Consideration of an Approval of Offer for Easement and Rights-of-Way for the Herman Dykes Property Water Line Replacement Project (AF: 50-2011).**

Approve:

OFFER FOR EASEMENT AND RIGHTS-OF-WAY FOR THE HERMAN DYKES PROPERTY WATER LINE REPLACEMENT PROJECT

Passed on first reading in a roll call vote: Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.**

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe pointed out that Arbor Day was just around the corner and noted a related event at John Adams Elementary School on Friday.

Vice-Mayor Mallicote mentioned a meeting with the Fire Department was scheduled for this Thursday. He also wished City Planner Karen Combs a happy birthday.

Mayor Phillips commented that Alderman Joh was in Soddy Daisy learning to carve a horse for the carousel project. He stated for those who were initially skeptical, there are now at least 22 people carving animals for the carousel. He further noted the most important part of the carousel is the frame and works that make it go around. Bonnie MacDonald located a carousel frame in Bridgeport, Connecticut that would be donated to the City of Kingsport if we arranged for transport. The Mayor recognized and thanked Still Transfer Company for sending a truck and two men to bring this item to Kingsport, and not charging the City for this service. Mayor Phillips then noted the Tennessee government had recently recognized 17 local governments, Kingsport included, for their budget work and thanked Budget Director Judy Smith. The Mayor also congratulated fire fighter Barry Brickey for being voted in, during a national contest, as the new voice of Sparky the Firedog. He also wished his mother-in-law a happy birthday.

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- C. VISITORS.** Jerry Jacene, 2416 East Stone Drive, spoke out against recent derogatory articles concerning himself and the Prehistoric Exhibit on Broad Street. He stated you cannot believe everything you read in a newspaper and addressed specific comments that had been made in an effort to set the record straight, noting he is still in Kingsport.

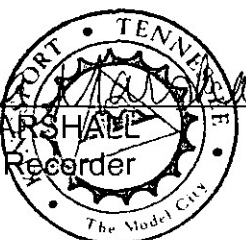
Linda Miller, 1534 Linville Street, voiced her concerns regarding the Linville Street Lighting Improvement District, noting the first notice she received was the assessment against her property. She stated she had no knowledge of the original petition. Public Works Director Ryan McReynolds then explained the process of an improvement district at Mayor Phillips' request, noting the reason an improvement district is even established is because there is not 100% participation, otherwise everyone would just pay up front, as other neighborhoods have done. Considerable discussion ensued regarding ways to improve this process in the future in an effort to avoid miscommunications with the affected citizens. Mayor Phillips pointed out the Board had acted in good faith when this project began as Alderman Marsh noted 22 out of 32 property owners (almost 70%) signed the petition in favor of the lighting. Alderman Munsey commented there is a difference in doing what is legal and what is right. In light of the lack of notifications in this situation, the Board decided to amend the 6% interest rate to 3% for those who chose to finance their assessment amount. Attorney Billingsley advised he would make the necessary amendments and bring them before the next business meeting.


Allyson Rogers, 1434 Linville Street, stated the lower interest was not much of a comfort to those who did not want the lighting at all. She also offered suggestions regarding future petitions. She further noted that during the change-out process, she had actually lost the old light that was in front of her house and the new ones are located farther away, making her yard darker.

Barbara Brown commented that public relations should sympathize more with citizens and blamed the Home Owners Association for not canvassing the area better.

- IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:35 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor